

# Nevadans to decide if legislators can call special session

By Sean Whaley, Nevada News Bureau

CARSON CITY – Nevada voters will determine the fate of only one statewide measure in the Nov. 6 general election, but the proposal put on the ballot by the Legislature is somewhat controversial.

Question 1 on the ballot asks Nevada voters if the state Constitution should be amended to allow the Legislature, on extraordinary occasions and only with two-thirds support of lawmakers in each house, to call itself into special session. Sessions would be limited to 20 days, but could be convened on a continuous basis if the extraordinary occasion requirement was met and with two-thirds support from lawmakers.



The term “extraordinary occasions” is not defined in the proposed constitutional amendment.

The Constitution now says that only the governor can call a special session of the Legislature.

Currently, legislatures in 34 states are authorized to call a special session.

Nevada voters have rejected this concept once before, in 2006, by a margin of 52 percent to 48 percent.

The measure is on the ballot after Assembly Joint Resolution 5 was approved by the Legislature in both 2009 and 2011. In

2011, the proposal passed both houses only by a party line vote with all Republicans opposed.

Opponents of the proposal are concerned the change could move the Legislature away from its tradition of meeting on a part-time basis.

In a discussion of the ballot language for the question by the Legislative Commission in June, Senate Minority Leader Michael Roberson, R-Las Vegas, said the ability of lawmakers to continue special sessions indefinitely was a concern.

Assemblyman William Horne, D-Las Vegas, said at the commission meeting that giving lawmakers the authority to call themselves into special session could be important if a situation like that in Illinois arose with impeached Gov. Rod Blagojevich. It is unlikely that a governor facing impeachment would call a special session to allow for his removal from office, he said.

Sen. Mo Denis, D-Las Vegas, said in an interview this week that with the state getting bigger and issues sometimes requiring immediate attention, there are times the Legislature may need to convene itself into special session.

"I think it is closer to the people if the Legislature has the ability to do that," he said.

But Sen. Ben Kieckhefer, R-Reno, said this week he likes the way the system works now.

"I like the fact that we have a strong chief executive state," he said. "That the Legislature can't call itself into session for whatever purpose it chooses. I think the system that we have is functional for our state.

"And the idea that the Legislature can start calling itself into session whenever it wants just doesn't really fly with me," Kieckhefer said.

Special sessions of the Nevada Legislature have become more

frequent in recent years, in part because of the state's ongoing budget problems. But they have all been called by the sitting governor at the time. Gov. Brian Sandoval has not yet called for a special session in his 21 months in office.

The last special session was called in February 2010 by then Gov. Jim Gibbons to deal with a shortfall in the state budget. It lasted seven days.

There have been 10 special sessions of the Legislature since 2001. They were called for a variety of reasons, including tort reform for the medical industry and the impeachment of the late state Controller Kathy Augustine. Many were called because the Legislature could not finish its work by the constitutionally-mandated 120 days, a limit approved by voters in 1998 and taking effect for the first time in 1999.

Previously there had not been a special session since 1989.